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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,608	01/05/2006	Frank Scholz	112740-1072	1770
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K&L Gates LLP P.O. BOX 1135 CHICAGO, IL 60690			ZEIWAR, SAYED T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,608

Applicant(s)

SCHOLZ, FRANK

Examiner

SAYED T. ZEWARDI

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 13 and 15-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-13, 15-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed on 11/30/2009 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 6,349,201) in view of Moon (US 6,721,580) and further in view of Blum et al. (6240285).

With respect to claim 12, Ford discloses a method for locating a communication device (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**), wherein an emergency call routine is activated (**See Ford's abstract, col.3 lines 3-11, see additional info: col.2 lines 39-46, 50-52, 56-58, 63-64, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**), the method comprising the steps of: sending an emergency signal over the network; identifying the communication device (**See Ford's col.3 lines 3-11, see additional info: abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-**

26); and localizing the identified communication device by using a localization method available over the network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**). in case that no cellular communication network is available, enabling a module for broadcasting over a global safety communication network, and selecting the global safety communication network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**).

Ford discloses everything claimed as applied above to claim 12, except for explicitly reciting detecting at least one available communications network at the location of the communication device; if a cellular communication network is available, selecting the cellular network. In analogous art, Moon discloses a communication system for detecting at least one available communications network at the location of the communication device (**See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50**); if a cellular communication network is available, selecting the cellular network (**See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford by specifically using a cellular or any other type of network for transmitting location information in cases of emergency, as disclosed by Moon. Ford discloses and Moon disclose everything claimed as applied above to claim 12, except for explicitly reciting that the mobile device is a mobile cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device (**See Blum's figure 1,**

col.6 lines 57-67, col.7 lines 1-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 18, Ford discloses a communication system comprising: at least one communication network, a global safety communication network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**); and a module for broadcasting over the global safety communication network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**); wherein the communication device comprises means for sending an emergency signal over the selected network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**); wherein the cellular communication network or the global safety communication network comprises means for localizing the identified communication device by using a localization method available over the selected network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**); and, in case that no cellular communication network is available, to enable the module for broadcasting over the global safety communication network and to select this global safety communication network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**). Ford discloses everything claimed as applied above to claim 18, except for explicitly reciting a communication device comprising means for detecting the at least one available

communications network at the location of the communication device; wherein the communication device is operable to select a cellular communication network if the cellular communication network is available. In analogous art, Moon discloses a communication system comprising means for detecting at least one available communications network at the location of the communication device (**See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50**); if a cellular communication network is available, selecting the cellular network (**See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford by specifically using a cellular or any other type of network for transmitting location information in cases of emergency, as disclosed by Moon. Ford discloses and Moon disclose everything claimed as applied above to claim 18, except for explicitly reciting that the mobile device is a mobile cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device (**See Blum's figure 1, col.6 lines 57-67, and col.7 lines 1-26**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 21, Ford discloses a communication device comprising: a module for broadcasting over a global safety communication network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**) ; in case that no cellular communication network is

available, to enable the module for broadcasting over a global safety communication network, and to select this global safety communication network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**) wherein the communication device comprises means for sending an emergency signal over the selected network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**). Ford discloses everything claimed as applied above to claim 21, except for explicitly reciting means for detecting at least one available communications network at the location of the communication device; wherein the communication device is operable to select a cellular communication network if the cellular communication network is available. In analogous art, Moon discloses a communication system comprising means for detecting at least one available communications network at the location of the communication device (**See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50**); if a cellular communication network is available, selecting the cellular network (**See Moon's figure 4(102, 108), col.7 lines 39-43, 47-50**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford by specifically using a cellular or any other type of network for transmitting location information in cases of emergency, as disclosed by Moon. Ford discloses and Moon disclose everything claimed as applied above to claim 21, except for explicitly reciting that the mobile device is a mobile cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device (**See**

Blum's figure 1, col.6 lines 57-67, col.7 lines 1-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 13, Ford discloses a method wherein at least one of the communications network comprises mobile transceiver or transponder stations, by which the emergency signal from the communication device is further transmitted or that function as a transponder for said emergency signal **(See Ford's figure 3, col.5 lines 21-24, 35-45, see additional info col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26).** Ford discloses and Moon disclose everything claimed as applied above to claim 13, except for explicitly reciting that the mobile device is a mobile cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device **(See Blum's figure 1, col.6 lines 57-67, col.7 lines 1-26).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 15, Ford discloses a method wherein the emergency call routine also comprises the identification of the communication device **(See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26).** Ford discloses and Moon disclose everything claimed as applied above to claim 15, except for explicitly reciting that the mobile device is a mobile

cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device (**See Blum's figure 1, col.6 lines 57-67, col.7 lines 1-26**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 16, Ford discloses a method wherein also a speech connection is established over one of the detected communications networks (**See Ford's col.6 lines 10-24**).

With respect to claim 17, Ford discloses a method wherein the emergency call routine is activated remotely (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**).

With respect to claim 19, Ford discloses a communication device wherein at least one of the communications networks comprises mobile transceiver or transponder stations, which are operable to further transmit the emergency signal received from the communication device or to function as a transponder for said emergency signal (**See Ford's figure 3, see additional info: abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**). Ford discloses and Moon disclose everything claimed as applied above to claim 19, except for explicitly reciting that the mobile device is a mobile cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device (**See Blum's figure 1,**

col.6 lines 57-67, col.7 lines 1-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 20, Ford discloses a communication device wherein the communication device and the cellular communication network or the global safety communication network are operable to also establish a speech connection over one of the detected communications networks signal **(See Ford's col.6 lines 10-24, see additional info: abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**. Ford discloses and Moon disclose everything claimed as applied above to claim 20, except for explicitly reciting that the mobile device is a mobile cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device **(See Blum's figure 1, col.6 lines 57-67, col.7 lines 1-26)**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 22, Ford discloses a communication device wherein the communication device is operable to provide an identification of the communication device with the emergency signal **(See Ford's col.2 lines 47-51, see additional info: abstract, col.2 lines 39-46, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26)**. Ford discloses and Moon disclose everything claimed as applied above to claim 22, except for explicitly reciting that the mobile device is a mobile cellular

communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device (**See Blum's figure 1, col.6 lines 57-67, col. 7 lines 1-26**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 23, Ford discloses a communication device wherein the communication device is operable to allow a remote control of the means for sending the emergency signal over the selected network (**See Ford's abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41, 62-67, col.4 lines 1-2, 7-26**). Ford discloses and Moon disclose everything claimed as applied above to claim 23, except for explicitly reciting that the mobile device is a mobile cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device (**See Blum's figure 1, col.6 lines 57-67, col. 7 lines 1-26**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 24, Ford discloses a communication device wherein the communication device is operable to establish a speech connection over one of the detected communication networks (**See Ford's col.6 lines 10-24, see additional info: abstract, col.2 lines 39-46, 50-52, 56-58, 63-64, col.3 lines 3-11, 12-22, 27-36, 39-41,**

62-67, col.4 lines 1-2, 7-26). Ford discloses and Moon disclose everything claimed as applied above to claim 24, except for explicitly reciting that the mobile device is a mobile cellular communication device. In analogous art, Blum discloses a method of locating a communication device in emergency situations wherein the communication device is a cellular device (**See Blum's figure 1, col.6 lines 57-67, col. 7 lines 1-26**). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Ford and Moon by specifically using a cellular phone as a communication device, as disclosed by Blum.

With respect to claim 25, 28, and 26, the above combinations disclose all the limitations of claim 25 and 26.

With respect to claim 35, 36 and 37, the above combinations disclose all the limitations of claim 35, 36 and 37.

4. Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blum et al. (6240285) in view of well-known prior art (MPEP 2144.03).

With respect to claim 31, Ford, Moon, and Blum disclose all the limitations of the claims of the applicant. They do not disclose identification is determined using a telephone number. However, an official notice is taken that the concept and use of identifying a phone using a unique characteristics such as phone number are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to use a telephone's number in order to identify that phone number.

With respect to claim 32, Ford, Moon, and Blum disclose all the limitations of the claims of the applicant. They do not disclose localization is determined using a cell identifier. However, an official notice is taken that the concept and use of locating a phone using a cell identifier are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to use a cell identifier to locate a cell phone in a cell.

With respect to claim 34, Ford, Moon, and Blum disclose all the limitations of the claims of the applicant. They do not disclose having an additional power supply for the module. However, an official notice is taken that the concept and use of using additional power supply to be used for a particular module of a mobile device are well known and expected in the art. Therefore, it would be obvious to one of ordinary skill in the art to use an additional power supply for the module.

With respect to claim 27, and 30 the above combinations disclose all the limitations of the claims 27, and 30.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAYED T. ZEWARI whose telephone number is (571)272-6851. The examiner can normally be reached on 8:30-4:30.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sayed T Zewari/
Examiner, Art Unit 2617

/LESTER KINCAID/
Supervisory Patent Examiner, Art Unit 2617